

Bill No. 38-06
Concerning: Technical Corrections
Revised: _____ Draft No. 1
Introduced: September 19, 2006
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Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

AN ACT to correct technical, typographical, grammatical, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of County law.

By amending

Montgomery County Code
Chapter 1, General Provisions
Section 1-101

Chapter 1A, Structure of County Government
Section 1A-104

Chapter 2, Administration
Section 2-73

Chapter 2A, Administrative Procedures Act
Sections 2A-16, 2A-17, and 2A-20

Chapter 8A, Cable Communications
Section 8A-31

Chapter 11A, Condominiums
Section 11A-5

Chapter 11B, Contracts and Procurement
Section 11B-64

Chapter 14, Development Districts
Section 14-14

Chapter 16, Elections
Section 16-8

Chapter 19A, Ethics
Section 19A-17

Chapter 20, Finance
Sections 20-35, 20-36, and 20-77

Chapter 24, Health and Sanitation
Section 24-51

Chapter 26, Housing and Building Maintenance Standards
Section 26-4

Chapter 31, Motor Vehicles and Traffic
Sections 31-9, 31-21, 31-31, 31-33, 31-46, 31-48, 31-57, and 31-62

Chapter 33, Personnel and Human Resources
Section 33-43

Chapter 52, Taxation
Sections 52-18H, 52-18I, and 52-18N

Chapter 68A, Montgomery County Urban Districts
Section 68A-5

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 1-101, 1A-104, 2-73, 2A-16, 2A-17, 2A-20, 8A-31, 11A-5, 11B-64, 14-14, 16-8, 19A-17, 20-35, 20-36, 20-77, 24-51, 26-4, 31-9, 31-21, 31-31, 31-33, 31-46, 31-48, 31-57, 31-62, 33-43, 52-18H, 52-18I, 52-18N, and 68A-5 are amended as follows:

1-101. Publication of new laws.

* * *

(b) *When to publish new laws.* The [council] Council must publish the title or a summary of every new law. The [council] Council must publish the title or a summary of an [emergency] expedited law promptly after it becomes law. The [council] Council should publish the title or a summary of every other law promptly after it becomes a law, but must publish the title or summary before the law takes effect.

1A-104. Heads of departments and principal offices; other positions designated as non-merit.

(a) *Names.* The head of a department or principal office is called the Director of the department or principal office, except that:

- (1) the Director of Police is also called the Chief of Police; [and]
- (2) the Director of the Montgomery County Fire and Rescue Service is also called the Fire Chief; and
- (3) the Director of the Office of the County Attorney is called the County Attorney.

* * *

2-73. Publication of bills and council proceedings.

(a) The [council shall be] Council is responsible for publication as required by [section] Section 3, [article] Article XI-A of the Maryland Constitution [of Maryland]. The title or a summary of all laws and ordinances proposed [shall] must be published once a week for [two

(2)] 2 successive weeks [prior to] before enactment in at least one [(1)] newspaper of general circulation in the [county] County, so that the taxpayers and citizens may have notice [thereof] of all proposed laws and ordinances. The requirement of publication of proposed legislation may be satisfied by including the title or summary in the notice of hearing. The validity of [emergency] expedited legislation [shall] is not [be] affected if the law is enacted [prior to completion of advertising thereof] before the law is advertised. If the publication requirements of the Maryland Constitution are changed, the [council shall] Council must comply with any amended requirements [but shall not be bound to publish if not required, except as may be prescribed otherwise herein] of the Constitution and state and County law.

* * *

2A-16. Administrative procedures.

* * *

(b) *Copy to the County Council.* The CAO must promptly send the [secretary] Clerk of the County Council a copy of the administrative procedures.

* * *

2A-17. Executive orders.

* * *

(c) *Copy to County Council.* The County Executive must promptly send the [secretary] Clerk of the County Council a copy of each executive order adopted.

2A-20. Pricing and availability of COMCOR and the Register.

* * *

(c) *Free distribution.* The CAO must send a copy of COMCOR, the Register, and the supplements to COMCOR to:

(1) The [secretary] Clerk of the County Council;

* * *

8A-31. [Telecommunications] Cable and Communications Advisory Committee.

(a) *Established.* The [Telecommunications] Cable and Communications Advisory Committee may provide advice and recommendations to the County Executive, County Council, and the Department of Technology Services on all telecommunications issues, including the administration of this Chapter and any franchise agreement or application.

* * *

11A-5. Extended leases.

* * *

(c) *Life tenancies.* A household that includes a senior citizen or handicapped citizen is entitled to an extended lease for a period of no less than the lifetime of the senior citizen or handicapped citizen if the:

(1) household meets the annual income limit established in subsection (h); and

(2) [the] senior citizen or handicapped citizen has been a member of the household for at least 12 months before the notice required by § 11-102.1 of the Real Property Article is given.

* * *

(j) *Regulations.* The County Executive may adopt regulations under method (3) to implement this Section, including regulations that establish:

(1) recordation requirements for owners of condominium units subject to life tenancies under this Section; and

(2) prohibitions against changing business or leasing practices to circumvent the application of this Section.

11B-64. Sunset date.

This Article is not effective after [March 1] December 31, 2009.

14-14. Form, terms and conditions of bonds.

* * *

(b) Each bond must be signed manually or in facsimile by the County Executive, and the seal of the County must be affixed to the bonds and attested by the [Secretary] Clerk of the Council. If any officer whose signature or countersignature appears on the coupons ceases to hold that office before the bonds are delivered, the officer's signature or countersignature is nevertheless valid and sufficient for all purposes as if the officer had remained in office until delivery.

* * *

16-8. [Same - Notification of] Notice to Council and County Executive; public notice; [holding] date of election.

(a) The [board of election supervisors shall] Board must promptly notify the President of the Council and the County Executive of any referendum petition [so] filed with it and whether [or not any] the petition [so filed] is a valid petition requiring a referendum to be held under the Charter.

(b) If notified that the petition [so filed is a valid petition requiring] requires a referendum to be held under the Charter, the [county executive shall give] President of the Council must notify the public [notice, in such manner as he shall determine,] by advertisement in a newspaper of general circulation in the County that the [act] law, unless it is an [emergency legislation] expedited law, is [without force and] not in effect pending [the holding of the] a referendum [thereon] on it.

(c) [Emergency legislation shall remain in force from the date it shall become law, notwithstanding the filing of a petition for referendum, but shall stand repealed thirty (30) days after rejection by a majority of the qualified voters voting thereon. Such] The referendum [shall] must be held at the next regular [or special] election [(whichever first occurs) in the county] for [the election of] any state or federal officer for which the ballot has not already been approved, or at a special election to be held [at such time as] on a date designated by the County Executive [may prescribe] within 30 days after the Executive received notice under this Section from the Board.

(d) The Board [shall] must conduct any [such] referendum [election] and [shall] must use the same voting machines or ballots [or both] as [used by] it [generally] uses for [election purposes in the county] other elections.

19A-17. Who must file financial disclosure statements.

* * *

(d) The Executive and Council, respectively, must annually review the list of employees designated under subsections (a)(4), (a)(5), (a)(6), (b)(7), and (b)(8) for compliance with the purposes of this Article.

20-35. County [executive] Executive concurrence, veto, [council] Council override.

(a) The [council secretary shall] Clerk of the Council must submit any resolution of the [council] Council approving a bond guarantee to the [county executive] County Executive for approval within 3 days after adoption.

(b) If the [county executive] County Executive does not communicate disapproval of the resolution and the reasons for the disapproval to the [council] Council within 10 days after receiving the resolution, the [council's] Council's approval stands. If the [county executive] County Executive disapproves the resolution, the [council] Council may override the disapproval by an affirmative vote of at least 6 [councilmembers] Councilmembers.

(c) The [council] Council may rescind the resolution approving a bond guarantee at any time before the bonds are advertised for public sale, or, in the case of a private sale, before the sale of the bonds or distribution of a related offering circular, whichever occurs first.

20-36. Bond guarantee endorsement; [county] County guarantee and levy of ad valorem taxes.

(a) Each [of the bonds] bond issued [pursuant to the authority of] under this [chapter shall] Chapter must be endorsed by the guarantee of the [county] County in the following language: "The payment of interest when due and the principal at maturity is guaranteed by Montgomery County, Maryland. The full faith and credit and unlimited taxing power of Montgomery County is hereby pledged to the performance of this guarantee."

(b) [Such] This guarantee [shall] must be executed in the name of the [county] County and on its behalf on each [of said bonds] bond by the signatures of the [director of finance] Director of Finance and the [secretary of the county council of the county] Clerk of the County Council, which signatures may be in facsimile.

(c) [Such bonds] Each bond, so endorsed, [shall be] is an unconditional general [obligations] obligation of the [county] County. [Montgomery] The County[, Maryland,] hereby covenants and agrees that, [in the event that] if all funds available to the [housing opportunities commission] Housing Opportunities Commission [for the payment of] to pay the principal of and interest on outstanding bonds authorized [pursuant to this act] under this Chapter are insufficient for any reason to meet [such] principal and interest payments, in each [and every] fiscal year [in which] when any [of] such [bonds are] bond is outstanding, [it] the County will levy or cause to be levied ad valorem taxes [upon] on all the assessable property [within the corporate limits of] in the [county in] County at a rate and amount sufficient to provide for the payment, when due, of the principal of and interest on all such bonds maturing in [such] that fiscal year, and [in the event] if the proceeds from such taxes [shall] prove inadequate [for the above purposes], [it] the County will levy additional taxes in the [succeeding] next fiscal year to make up any [such] deficiency.

20-77. Payment of Supplement.

The Director of Finance must pay each [person] resident who meets certain eligibility standards a Working Families Income Supplement. If the Comptroller of the Treasury agrees, the Director may arrange for the Comptroller to pay the

Supplement. To the extent that the Comptroller does not pay the supplement, the Director must pay it directly to each eligible [person] resident.

24-51. Voting; chair; meetings; compensation.

* * *

(d) *Compensation.* Except as provided in subsection [(f)] (e), a member must serve without compensation.

26-4. Compliance with other laws.

(a) *Other County laws apply.* In addition to this Chapter, each owner of property must also comply with any property and structure maintenance requirements in Chapter 8, Chapter 17, Chapter 22, Chapter 29, Chapter 48, [Chapter 55,] Chapter 58, and Chapter 59.

* * *

31-9. Impounding illegally parked vehicles, impeding traffic, etc.

* * *

(b) In any case involving the impoundment of a vehicle under this Section, an administrative cost set by Council resolution adopted [as provided in] under Section [2-57] 2-57A must be charged to the owner of the vehicle, in addition to all fines and penalties assessed [pursuant to] for any violation of this [chapter plus] Chapter and any towing or storage charges incurred. All such fines, penalties, costs, and charges must be paid to the County before the owner may reclaim or secure the release of the vehicle.

31-21. Impounding illegally parked vehicles.

* * *

(b) In any case involving the impoundment of a vehicle under this [section] Section, an administrative cost set by Council resolution adopted [as provided in] under Section [2-57] 2-57A must be charged

to the owner of the vehicle, in addition to all outstanding fines and penalties assessed [pursuant to] for violations of this [article plus] Article and any towing or storage charges incurred.

* * *

31-31. Impounding illegally parked vehicles.

* * *

(b) In any case involving the impoundment of a vehicle [pursuant to] under this [section] Section, an administrative cost set by Council resolution adopted [as provided in] under Section [2-57] 2-57A must be charged to the owner of the vehicle, in addition to all outstanding fines and penalties assessed [pursuant to] for violations of this [article plus] Article and any towing or storage charges incurred.

* * *

31-33. Authority of [county executive] County Executive to establish fees, time limits[, etc].

(a) *Parking meters.*

* * *

(2) The Council by resolution adopted [as provided in] under Section [2-57] 2-57A must prescribe parking meter or other fees for parking at parking facilities and on streets and roads.

* * *

31-46. Impounding illegally parked vehicles.

* * *

(b) In any case involving the impoundment of a vehicle [pursuant to] under this [section] Section, an administrative cost set by Council resolution adopted [as provided in] under Section [2-57] 2-57A must be charged to the owner of the vehicle, in addition to all outstanding

239 fines and penalties assessed [pursuant to] for violations of this [article
 240 plus] Article and any towing and storage charges incurred as a result
 241 of impoundment. All such fines, penalties, costs, and charges must be
 242 paid to the County before the owner or operator may reclaim or secure
 243 the release of the vehicle.

244 **31-48. Parking Permit Areas.**

245 * * *

- 246 (h) The Council by resolution adopted [as provided in] under Section [2-
 247 57] 2-57A must establish fees in amounts sufficient to pay the costs
 248 incidental to [the issuance] issuing and [renewal of] renewing permits
 249 under this [section] Section.

250 * * *

251 **31-57. Failure to pay or comply; penalty in addition to fine.**

- 252 (a) If the owner or operator does not comply with the preceding sections
 253 and the instructions provided on a notice of violation within the period
 254 prescribed by this [article] Article the fine for such violation must be
 255 increased by an additional penalty set by Council resolution adopted
 256 [as provided in] under Section [2-57] 2-57A.

257 * * *

258 **31-62. Impounding or immobilizing vehicles after enumerated violations**
 259 **generally.**

260 * * *

- 261 (c) In any case involving the impoundment or immobilization of a vehicle
 262 [pursuant to] under this [section] Section, an administrative cost set by
 263 Council resolution adopted [as provided in] under Section [2-57] 2-
 264 57A must be charged to the owner or operator of the vehicle, in
 265 addition to all outstanding fines and penalties assessed [pursuant to]

for violations of this [chapter plus] Chapter and any towing and storage costs incurred. All such fines, penalties, [cost] costs, and charges must be paid to the [county] County before the owner may reclaim or secure the release of the vehicle.

33-43. Disability retirement

* * *

(j) Adjustment or cessation of disability pension payments.

* * *

(2) (A) The Chief Administrative Officer may reduce the amount of the disability pension payments of a member who:

* * *

(ii) is engaged in, or able to engage in, an occupation that pays more than the difference between the amount of the disability pension payments and the current maximum earnings of the occupational classification from which the employee was disabled.

* * *

[52-18I] 52-18H. Personal property tax - Research and development exemption.

* * *

[52-18H] 52-18I. Property tax credit - Leased property - Religious organizations.

* * *

52-18N. Property tax credit - surviving spouse of law enforcement officer or rescue worker.

- (a) The Director of Finance must allow a tax credit against the County property tax imposed on a dwelling that is owned by a surviving spouse of a fallen law enforcement officer or fallen rescue worker if the [Supervisor of Assessments] Director of Finance certifies that the taxpayer was qualified under State law for the credit before the end of the taxable year.

* * *

68A-5. Advisory committees.

- (a) *Composition.* Each urban district must have an advisory committee, or an urban district corporation board of directors, whose members are appointed by the County Executive and confirmed by the County Council.

- (1) [TThe] The Wheaton Urban District Advisory Committee has 13 members if there are 2 or more optional method developments; 12 members if there is only one optional method development; and 11 members if there are no optional method developments. The Executive must strive to appoint the members so that:

* * *

- (3) The Silver Spring Urban District Advisory Committee has 11 members. The County Executive must strive to appoint the members so that:

* * *

- (C) [two] three members represent a business that employs fewer than 25 employees;

- (D) [three] two members represent a residential community in the urban district; and

319 * * *

320 *Approved:*

321

George L. Leventhal, President, County Council	Date
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322 *Approved:*

323

Douglas M. Duncan, County Executive	Date
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324 *This is a correct copy of Council action.*

325

Linda M. Lauer, Clerk of the Council	Date
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